



## **Texas Department of Insurance**

### **Division of Workers' Compensation**

Medical Fee Dispute Resolution, MS-48

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## **MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION**

### **GENERAL INFORMATION**

**Requestor Name**

UMC AT BRACKENRIDGE

**Carrier's Austin Representative**

Box Number 54

**MFDR Date Received**

January 9, 2013

**Respondent Name**

TEXAS MUTUAL INSURANCE COMPANY

**MFDR Tracking Number**

M4-13-1138-02

### **REQUESTOR'S POSITION SUMMARY**

**Requestor's Position Summary:** "In the present matter, the Claimant was suffering from a recent onset of ACUTE BACK PAIN. It is reasonable to assume that this led the Claimant to believe that a delay in treatment would put him/her at risk of 'serious dysfunction of any body organ or part.' For these causes, the Requestor asks that Medical Fee Dispute Resolution issue a Findings and Decision that BACKENRIDGE [sic] HOSPITAL is entitled to reimbursement for the services discussed herein, as well as all fees, interest and any other relief to which BRACKENRIDGE HOSPITAL may be justly entitled."

**Amount in Dispute:** \$400.55

### **RESPONDENT'S POSITION SUMMARY**

**Respondent's Position Summary:** "Texas Mutual claim [claim #] and the requestor are in the Texas Star Network... Rule 133.305 (a)(5) defines a medical fee dispute as one that involves '...an amount of payment for non-network health care...The dispute is resolved by the division pursuant to division rules, included 133.307 of this title (relating to MDR of Fee Disputes)...' For this reason DWC MDR has no jurisdiction over a network fee dispute. The requestor should access Complaint Resolution with Coventry Workers' Comp Services."

**Response Submitted by:** Texas Mutual Insurance Company

### **SUMMARY OF FINDINGS**

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
March 2, 2012	J1170, G0431, 99283-25, 93672 and 637	\$400.55	\$0.00

### **FINDINGS AND DECISION**

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

**Background**

1. 28 Texas Administrative Code §133.305, sets out the procedures for resolving medical disputes.
2. 28 Texas Insurance Code Chapter 1305 applicable to Health Care Certified Networks.
3. 28 Texas Administrative Code §§10.120 through 10.122 address the submission of a complaint by a health care provider to the Health Care Network.

## Issues

1. Are the disputed services rendered by an in-network healthcare provider/facility to an in-network injured employee?
2. Is the requestor eligible for medical fee dispute resolution pursuant to 28 Texas Administrative Code §§133.305?
3. What may be the appropriate administrative remedy to address fee matters related to health care certified networks?

## Findings

1. The requestor billed for emergency room services rendered March 2, 2012 to an injured employee enrolled in the Texas Star Network. The insurance carrier's response indicates that both the healthcare provider and the injured employee are enrolled in the Texas Star Network.

The Division notified the requestor on May 20, 2013 that the disputed services were provided to an injured employee enrolled in a certified network. The notification letter contained information/documentation outlining the dispute path for in-network providers and out-of-network providers. The requestor did not submit a response and/or sufficient documentation to the Division to support that the disputed services are eligible for review by Medical Fee Dispute Resolution.

2. 28 Texas Administrative Code §133.305 (a) (4) defines a medical fee dispute as "dispute that involves an amount of payment for **non-network** health care rendered to an injured employee (employee) that has been determined to be medically necessary and appropriate for treatment of that employee's compensable injury. The dispute is resolved by the Division pursuant to Division rules, including §133.307 of this subchapter (relating to MDR of Fee Disputes)." Non-network health care is defined in Section (a) (6) of the same rule as "Health care not delivered, or arranged by a certified workers compensation health care network as defined in Insurance Code Chapter 1305 and related rules..."
3. The TDI rules at 28 Texas Administrative Code §§10.120 through 10.122 address the submission of a complaint by a health care provider to the Health Care Network. The Division finds that the disputed services rendered by an in-network healthcare facility to an in-network injured employee may be filed to the Texas Department of Insurance's (TDI) Complaint Resolution Process, if the health care provider or facility is dissatisfied with the outcome of the network complaint process. The complaint process outlined in Texas Insurance Code Subchapter I, §1305.401 - §1305.405 may be the appropriate administrative remedy to address fee matters related to health care certified networks.

## Conclusion

The Division would like to emphasize that individual medical fee dispute outcomes rely upon the evidence presented by the requestor and respondent during dispute resolution. This decision is based upon a review of all the evidence presented by the parties in this dispute. Even though all the evidence was not discussed, it was considered. The Division finds that this dispute is not under the jurisdiction of the Division of Workers' Compensation and is therefore not eligible for medical fee dispute resolution under 28 Texas Administrative Code §133.305.

## ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

### Authorized Signature

_____	<u>Margaret Q. Ojeda</u>	<u>October 10, 2014</u>
Signature	Medical Fee Dispute Resolution Officer	Date

### **YOUR RIGHT TO APPEAL**

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).